UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

IN RE HOLOCAUST VICTIM ASSETS LITIGATION	Master Docket No. CV-96-4849 (ERK) (MDG) CV-06-983 (ERK)

LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP'S SUPPLEMENTAL APPLICATION FOR AWARD OF FEES (TO BE DONATED) AND REIMBURSEMENT OF COSTS INCURRED SINCE JULY 10, 2002

Settlement Class Counsel Lieff, Cabraser, Heimann & Bernstein, LLP's original fee application, as supplemented, included lodestar information up through July 10, 2002. The application was granted in full, and Lieff, Cabraser donated the fee award to endow a clinical human rights chair at Columbia University Law School, and to fund a Court-ordered incentive payment to a Holocaust survivor whose efforts benefited the class. Pursuant to the Court's March 7, 2006 Order, Lieff, Cabraser now submits supplemental lodestar information for the period of time since July 10, 2002 to the present. Since that date, Lieff, Cabraser's contribution to settlement implementation has primarily involved assisting Lead Settlement Class Counsel Burt Neuborne on a spot basis with respect to specific issues referenced in the accompanying time records and described more fully in Section I, below.

Lieff, Cabraser's post-July 10, 2002 lodestar is $111,613.50. (*See* Fourth Supplemental Declaration of Morris A. Ratner Regarding Fees and Costs Associated with Settlement Implementation ("Ratner Decl." Ex. A.) The firm has incurred costs of approximately $27,000. (*Id.* Ex. C.) Lieff, Cabraser seeks an award of the post-July 10, 2002 lodestar as fees to be donated to enhance our original endowment of a clinical human rights chair

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at Columbia University Law School, and an award of costs to the firm.[1]

I. Lieff, Cabraser's Supplemental Lodestar (to be Donated) Reasonably Reflects the Value of the Work Performed.

Lieff Cabraser's original November 12, 1999 fee application, supported by a Declaration of Morris A. Ratner of the same date, covered the period July 1996 to November 1, 1999. The total Swiss Bank's lodestar for the firm was approximately $950,000 as of that date. Hard costs as of that date were approximately $325,815.70. Lieff Cabraser subsequently filed three supplemental declarations of Morris Ratner updating our original fee submission, the third of which was filed July 10, 2002. That fee declaration included a total lodestar, without any multiplier, of $1,611,711.5, and a total cost reimbursement request of $470,994.86. The Court awarded Lieff Cabraser's costs in full, and, in addition, awarded Lieff Cabraser its lodestar, which we donated to Columbia Law School. Since July 10, 2002, Lieff, Cabraser has only addressed specific requests of Lead Settlement Class Counsel or Special Masters, principally involving legal research, staff support for Lead Settlement Class Counsel's filing, and for advice on due process issues.

A. The Lodestar Reflects Valuable Benefits Provided to the Settlement Classes.

As indicated in the detailed time records filed herewith, Lieff Cabraser's contribution to settlement implementation post dating July 10, 2002, primarily involved the following:

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[1] Lead Settlement Class Counsel's fee application should be evaluated before any other counsel's application. Professor Neuborne did the bulk of the work associated with settlement administration. (*See* February 2, 2006 Declaration of Settlement Class Counsel Morris A. Ratner in Support of Lead Settlement Class Counsel's Settlement Administration Fee Application, ¶¶ 2-4.) Additional fees awarded after consideration of Professor Neuborne's application can be awarded *pro rata* from whatever amounts remain to be allocated to Settlement Class Counsel up to the amounts that the original notice to the settlement class members indicated could potentially be awarded in fees in connection with this settlement.

? Assisting Lead Settlement Class Counsel Burt Neuborne with resolution of the dispute with the banks regarding interest on amounts owed to the settlement class members;

? Responding to questions from Professor Neuborne and the Special Masters regarding due process issues, such as notice;

? Providing research to Professor Neuborne and Special Master Gribetz supporting the Court's broad discretion under the *cy pres* doctrine with respect to issues associated with that aspect of settlement administration;

? Assisting Professor Neuborne in responding to appeals from the Court's Orders denying certain challenges to its *cy pres* allocation orders;

? Coordinating with counsel for Swiss insurers regarding additional publication of names relating to recently discovered unpaid insurance policies; and

? Assisting with finalizing and filing pleadings prepared by Professor Neuborne relating to other issues.

Lieff Cabraser's reported lodestar for the period July 11, 2002 to present, understates the firm's actual lodestar. Most of the work done in connection with settlement implementation during that period was performed by Lieff Cabraser partner Morris Ratner, who did not record all of the time he spent talking to Lead Settlement Class Counsel or Court-appointed special masters, especially where, as was usually the case, those phone conferences did not require follow up work by Lieff Cabraser associates or staff. (Ratner Decl. ¶ 4.)

The hourly rates reflected in Lieff, Cabraser's post-July 10, 2006 lodestar are the current hourly rates for each time keeper, and are the rates used by the firm in the normal course of its practice. (*Id.* ¶ 2.)

B. No Further Notice of Lieff, Cabraser's Supplemental Application for Fees is Needed.

Individual notice of each firm's fee application was never provided to the Class, and is normally not provided in connection with class action fee petitions. Instead, the original Phase I notice to the Settlement Class members identified the *total* potential amount of fees to be awarded by the Court to Class counsel. As in every other class action settlement, the notice of the maximum potential fee award was correctly the only notice provided to the Class. As individual fee applications were submitted by counsel in support of the original fee petitions in this case, those applications were not made the subject of separate notice to the Class members. No such notice was required at the time Settlement Class members chose to exercise their right to exclude themselves from or object to the proposed settlement; there is no logical reason to assume that any supplemental fee petition would require any further notice at this time. In fact, such notice would, on the contrary, be a waste of Class member resources.

II. Lieff, Cabraser's Supplemental Costs Should be Reimbursed.

Lieff Cabraser's costs for the relevant time period are $27,019.38. (Ratner Decl. Ex. C.) The costs incurred by Lieff, Cabraser since July 10, 2002 are primarily for (1) computer research to support briefs on matters directly addressed by Lieff, Cabraser (*e.g.*, interest issues) as well as memoranda of law prepared for Lead Settlement Class Counsel regarding various issues that arose in the course of settlement implementation; (2) copying of service copies of filings, which Lieff, Cabraser routinely did on behalf of Lead Settlement Class Counsel; and (3) telephone charges associated with conference calls and inquiries from Class members. These three items account for 73% of Lieff, Cabraser's costs. Lieff, Cabraser has invoices to back up the summary of charges presented in Exhibit C, and will provide them if the Court is inclined to review the backup documentation reflected in the Ratner Declaration.

Dated: March 15, 2006

Respectfully submitted,

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By:______________________________
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